REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-19 are pending. Claims 1, 10 and 19 are independent. Claims 1 and 10 are hereby amended. Claim 19 is allowed. No new matter is added by these amendments. Support for the amended recitations in the claims is found throughout the specification, and specifically at page 18, lines 8-17, page 19, lines 6-13 and Fig. 5. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 3-9 and 12-18 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants submit that these claims depend, either directly or indirectly from one of the independent base claims noted above, and as such are patentable without being rewritten in independent form.

II. OBVIOUSNESS-TYPE DOUBLE PATETING REJECTION

Claims 1, 2, 10 and 11 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,363,114.

Applicants have amended claim 1 and 10 (claims 2 and 11 depend from claims 1 and 10, respectively), thereby obviating the rejection. Applicants respectfully request the judicially created doctrine of obviousness-type double patenting rejection be withdrawn.

III. REJECTIONS UNDER 35 U.S.C. § 102 and 103

Claims 1 and 10 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 5,978,029 to Boice.

Claim 3 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Boice.

Claim 1 recites, *inter alia*:

"A video signal coding method comprising the steps of...

determining a motion vector of an input video signal...

determining an average amount of allocated bits per unit time...

determining a reference value for allocating coding bits on the basis of temporally b (d) for the amount of coding bits b allocated for each unit of time from (i) the coding difficulty level d of said input video signal for each unit of time, from (ii) the measured visual characteristics of said input video signal and from (iii) the average amount of allocated bits per unit time..." (emphasis added)

As understood by Applicants, U.S. Patent No. 5,978,029 to Boice relates to a method, system and computer program product that are provided for adaptively encoding in hardware, software or a combination thereof a sequence of video frames in real-time. A first encoding subsystem analyzes the sequence of video frames to derive information on at least one characteristic thereof, such as motion statistics, non-motion statistics, scene change statistics, or scene fade statistics. The gathered information may be either an intra-frame characteristic or an inter-frame characteristic. A control processor is coupled to the first encoding subsystem to automatically analyze the gathered information in real time and dynamically produce a set of control parameters. A second encoding subsystem, coupled to the control processor, then encodes each frame of the sequence of video frames employing the corresponding set of control parameters.

Applicants submit that Boice does not teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that there is no teaching or suggestion of determining a motion vector of an input video image or determining an average amount of allocated bits per unit time or determining a reference value for allocating coding bits on the basis of temporally b(d) for the amount of coding bits b allocated for each unit of time from (i) the coding difficulty level d of the input video signal for each unit of time, from (ii) the measured visual characteristics of the input video signal and from (iii) the average amount of allocated bits per unit time, as recited in claim 1.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, amended independent claim 10 is also believed to be patentable.

Therefore, Applicants submit that independent claims 1 and 10 are patentable.

IV. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

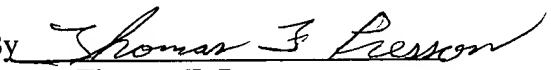
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800